

REMARKS

The Office Action mailed 4 December 2003 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 2 and 6-8 are currently amended, and claims 1, 3-5 and 9 remain as previously presented. Thus, claims 1-9 are respectfully submitted for reconsideration by the Examiner.

According to the Office Action, Figure 1 was objected to under 37 C.F.R. § 1.83(a) for failing to label the boxes. Appended hereto is one sheet of proposed drawing corrections showing in red ink the labels for boxes 5, 6 and 13. Approval of these proposed drawing corrections is earnestly solicited.

According to the Office Action, Figures 2 and 4-7 were objected to under 37 C.F.R. § 1.84(p)(5) for including reference numeral 28 that is allegedly not mentioned in the description. This objection is respectfully traversed in view of the following comments. The translated specification as originally filed describes "opening 28" at page 12, lines 20-21, for example. Thus, it is respectfully submitted that the objection under 37 C.F.R. § 1.84(p)(5) is in error and should be withdrawn.

Claims 2 and 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. These rejections are respectfully traversed in view of the above amendments and the following comments. The objectionable language, i.e., "for example" and "preferably," has been deleted from these dependent claims. It is respectfully submitted that the claims fully comply with 35 U.S.C. § 112, and that the rejections thereunder should be withdrawn.

Claims 1-5 and 9 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,389,856 to Watanuki et al. (Watanuki). Claim 6 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of UK Patent No. 2 169 651 to Mullin et al (Mullin). Claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of Mullin, in further view of U.S. Patent No. 5,974,661 to Neuhalfen. And claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanuki in view of U.S. Patent No. 5,974,661 to Nagae et al. (Nagae). These rejections are respectfully traversed in view of the following comments.

Claim 1 recites a combination of features including “a blocking element, which executes an adjusting movement on introduction of the key into the holder or removal of the key from the holder, interacts with the holder in such a manner that the movement of the holder additionally to its release is made possible only when the key is correctly in the holder.” Thus, according to the preferred example described by Applicants at, for example page 8, lines 13-18, blocking element 17 interacts with holder 11 in such a manner that movement of holder 11 is made possible only when key 2 is correctly inserted in holder 11. That is to say, it is Applicants’ blocking element that prevents movement of the holder unless the key is correctly inserted. This is in contrast to Watanuki.

The Office Action asserts that Watanuki’s first slider 12 may be read as a blocking element that is actuated by the insertion portion 21 of electronic key 20. However, it is respectfully submitted that Watanuki fails to teach or suggest that first slider 12 prevents movement of anything other than electronic key 20 from sliding out of key cylinder 1A, which is noted in the Office Action with regard to Applicants’ claim 9.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(e) should be withdrawn because Watanuki fails to teach each feature of independent claim 1.

Moreover, claims 2-5 and 9 depend from independent claim 1 and are therefore also respectfully submitted to be allowable over Watanuki for at least the same reasons as claim 1, as well as for the additionally recited features that further distinguish over Watanuki.

With regard to Mullin, Neuhalfen and Nagae, as they are applied in the Office Action against claims 6-8, it respectfully submitted that none of these references overcomes the aforementioned deficiencies of Watanuki. In particular, the Office Action appears to rely on Mullin to allegedly suggest a cam feature, appears to rely on Neuhalfen to allegedly suggest a surface mounted device (SMD), and appears to rely on Nagae to allegedly suggest tumblers. Thus, it is respectfully submitted that claims 6-8, which also depend from independent claim 1, are also allowable for at least the same reasons as claim 1, as well as for the additionally recited features that further distinguish over Watanuki, Mullin, Neuhalfen and Nagae.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and allowance of the present application.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

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